

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on November 25, 2003. Claims 48, 53, and 59-91 have been cancelled and the dependencies of claims 49-52, 54 and 56 have been amended to depend from claim 92. An inadvertent typographical error has been corrected in claim 58. Reference to SEQ ID NO:2 has been deleted from claim 92 because this sequence contains the GCN-4-pII peptide and this claim has been amended to include SEQ ID NO:5 and 7. Claim 93 has been amended to include SEQ ID NO:1 and 2. As a result, claims 49-52, 54-58, and 92-93 are now pending in this application. The amendments presented herein are made to clarify the claims. No new subject matter is added. Therefore, upon allowance the amended claims are entitled to a full scope of equivalents.

§112, Second Paragraph Rejection of the Claims

Claims 48-61, 92 and 93 were rejected under 35 USC § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Applicant submits that the claim language is definite and that one of skill in the art would clearly understand the scope of the invention as defined by the claims, particularly when the claims are read in light of the specification. In particular, the claims particularly point out and distinctly claim specific structural, amino acid sequence and functional features that specify exactly what scope is intended. However, to expedite the prosecution of this case, claim 48 has been withdrawn and the dependencies of claims 49-54 and 56 have been amended to depend from claim 92. Applicant requests withdrawal of this indefiniteness rejection under 35 U.S.C. § 112, second paragraph.

§112, First Paragraph, Rejection of the Claims

Claims 48-61, 92 and 93 were rejected under 35 USC § 112, first paragraph, as allegedly lacking written description. Applicant submits that the claims and specification describe the claimed invention with all of its elements using such descriptive means as words, structures, and formulas that fully set forth the claimed invention. In particular, the claims identify specific sequences for stabilized viral envelope proteins that can have three parallel, α -

helical COOH-terminal viral envelope glycoprotein monomers, wherein the stabilized viral envelope protein is substantially incapable of undergoing a conformational change to become active for membrane fusion. Applicant has further shown that the inventor was in possession of the invention at the time of filing by describing several actual reductions to practice. However, to expedite the prosecution of this case, claim 48 has been withdrawn and the dependencies of claims 49-54 and 56 have been amended to depend from claim 92.

Applicant requests withdrawal of this written description rejection under 35 U.S.C. § 112, first paragraph.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 09/877606

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Title: Antigen for Developing Neutralizing antibodies to Human Immunodeficiency Virus

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Dkt: 1676.002US1

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (516-795-6820) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

MIN LU ET AL.,

By their Representatives,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25th day of March, 2004.

Dawn M. Poole

Name

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Signature